



General Assembly

Substitute Bill No. 7063

January Session, 2007

* HB07063INS__031507__ *

**AN ACT REQUIRING DISCLOSURE OF LIABILITY INSURANCE
POLICY LIMITS PRIOR TO THE FILING OF A CLAIM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage, and applicable to requests for disclosure*
2 *made on any pending claim*) (a) The disclosure required under
3 subsections (b) to (e), inclusive, of this section shall terminate one year
4 from the effective date of this section.

5 (b) Not later than fourteen days after an insurer receives a written
6 request by, or on behalf of, an individual that alleges the individual
7 has suffered bodily injury or death caused in a motor vehicle collision
8 by an insured under an automobile liability insurance policy issued by
9 the insurer, the insurer shall provide written disclosure of such
10 insured's insurance policy limits to the individual making the request.
11 The disclosure shall be provided in accordance with subsection (d) of
12 this section.

13 (c) Each written request for disclosure shall be accompanied by a
14 letter from an attorney-at-law admitted to practice in this state, with or
15 without an affidavit, that sets forth: (1) The type of claim alleged
16 against the insured; (2) the date and approximate time of the alleged
17 incident that gave rise to the request for disclosure; and (3) a general
18 description of the injuries alleged to have been caused by the insured.
19 An attorney-at-law who submits a letter requesting disclosure

20 pursuant to this section shall include the attorney's juris number in the
 21 letter. The contents of any letter or affidavit requesting disclosure of
 22 insurance policy limits pursuant to this section shall not be admissible
 23 in evidence in any civil action involving the injury or death that gave
 24 rise to the request for disclosure.

25 (d) The disclosure provided by the insurer shall (1) indicate all
 26 coverage provided by the insurer to the insured, including, but not
 27 limited to, any applicable umbrella or excess liability insurance issued
 28 by the insurer, and (2) include copies of applicable declaration pages
 29 or similar materials that reflect the insurance coverage provided by the
 30 insurer to the insured.

31 (e) The requirements of this section shall only apply to an insurer
 32 with respect to a policy that insures against loss or damage on account
 33 of the bodily injury or death of any person.

34 Sec. 2. (*Effective from passage*) Not later than January 1, 2009, the
 35 Judicial Department shall submit a report to the joint standing
 36 committee of the General Assembly having cognizance of matters
 37 relating to insurance that specifies the number of automobile injury
 38 cases settled as a result of the disclosure required in section 1 of this
 39 act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage, and applicable to requests for disclosure made on any pending claim</i>	New section
Sec. 2	<i>from passage</i>	New section

INS *Joint Favorable Subst.*